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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR DISTRICT OF UTAH, NORTHERN DIVISION**

United States of America,
Plaintiff,

v.

Daniel Fry,
Defendant.

**DEFENDANT'S STIPULATED MOTION TO
CONTINUE THE JURY TRIAL AND TO
EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

Civil No.: 1:20-CR-00123-JNP
Honorable: Jill N. Parrish
Magistrate Judge: Daphne A. Oberg

COMES NOW, Defendant, *Daniel Fry*, by and through his attorney, Roy D. Cole, of COLE LAW OFFICE, LLC, and with stipulation of the Government, hereby respectfully moves this Court for an order continuing the jury trial, which is present set for the basis of this motion are as follows:

1. Counsel for Defendant, Daniel Fry, entered his appearance in this matter on December 28, 2020.
2. The parties are negotiating a resolution to this case and need more time for discussions.
3. Counsel for Defendant has a two day jury trial in Weber County, Second District Court on June 10, 2021, and June 11, 2021, and will be preparing for this trial.

4. The Government, by and through, Aaron B. Clark, Assistant United States Attorney, stipulates to this Motion
5. The Defendant, *Daniel Fry*, has been advised of his constitutional right to a speedy trial under the Sixth Amendment, as well as his statutory right to a speedy trial under the Speedy Trial Act, and by and through Counsel herein, agrees to waive his speedy trial rights in order for Counsel to investigate potential witnesses, potential suppression issues, to further engage in plea negotiations and to be adequately prepared in the defense of this matter.
6. Under the circumstances of this case, the ends of justice outweigh the best interests of the Defendant and the public in a speedy trial; the denial of the continuance would deny the Defendant and counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and the failure to grant a continuance in this matter would likely result in a miscarriage of justice.
7. The interests of justice outweigh the interests of the Defendant and the public in a speedy trial, and the continuance is necessary to insure adequate preparation by defense counsel under the circumstances of this case.
8. The intervening time between now and the newly fixed trial date is excluded under the Speedy Trial Act, 18 U. S. C. § 3161(h)(7)(A) and (B).

WHEREFORE, Defendant respectfully requests an Order extending deadlines in this matter as the Court deems reasonable.

DATED this May 25, 2021.

APPROVED AS TO FORM AND CONTENT:

/s/ Aaron B. Clark

Aaron B. Clark, *Attorney for Plaintiff*
ASST. UNITED STATES ATTORNEY
e-signature added by written permission

/s/ Roy D. Cole

Roy D. Cole Esq.
COLE LAW OFFICE LLC
Attorney for Defendant

CERTIFICATE OF SERVICE

On May 25, 2021, the undersigned hereby certifies that a true and correct copy of the foregoing STIPULATED MOTION TO EXTEND THE PRE-TRIAL DEADLINES, CONTINUE THE JURY TRIAL AND WAIVER OF THE RIGHT TO A SPEEDY TRIAL was sent by the following method(s) to the following individual(s):

United States District Court — CM/ECF System

Aaron B. Clark — *Attorney for Plaintiff* — CM/ECF System
ASST. UNITED STATES ATTORNEY

/S/ Sherry Barker

Sherry Barker
Paralegal to Roy D. Cole